

a plurality of mixers, each mixer coupled to the output of one of the programmable modulators to accept a modulated signal and mix it with a mixer frequency;
a plurality of bandpass filters, that filter the output of the mixers; and
a summation unit that combines the outputs of the bandpass filters into a single signal.

The Examiner asserts that Spickerman discloses an apparatus for transmitting data on a fiber channel comprising a plurality of programmable modulators, as claimed in claim 1, citing elements 13 and 14 of FIG. 2 as disclosing programmable modulators. Applicant submits that the modulators 13 and 14 of Spickerman are not programmable. The Examiner further asserts that the apparatus of Spickerman includes a plurality of mixers coupled to the output of one of the programmable modulators, as claimed in claim 1, citing the frequency converters 15-1 through 15-n of FIG. 2. Applicant submits that the frequency converters 15-1 through 15-n are not mixers that mix the modulated signals with a mixer frequency, as claimed in claim 1, but rather frequency converters that convert the 8 GHz carrier signals to a plurality of frequencies. The Examiner further asserts that a plurality of bandpass filters, as claimed in claim 1, is inherent in Spickerman because the receiver of Spickerman includes bandpass filters 26. Applicant strongly disagrees with this assertion and submits that nothing about the presence of bandpass filters in the receiver of Spickerman makes bandpass filters inherent in the transmitter of Spickerman. For at least the aforementioned reasons, Applicant asserts that claim 1, and all claims depending therefrom, are not anticipated by Spickerman. ✓

The Examiner further asserts that each of the modulators 13 and 14 of Spickerman comprises a control input that controls the type of modulation and the type of modulation consists of PSK, QAM, etc., as claimed in claims 4 and 5. Applicant submits that this is incorrect. The modulators 14 do not receive a control input that controls the type of modulation used, but rather simply receive an 8 GHz carrier signal 12. Thus Applicant submits that claims 4 and 5 further distinguish the present invention over Spickerman.

The Examiner rejected claims 1, 4-5, 8, 40, 43 and 44 under 35 U.S.C. 102(b) as being anticipated by Cameron et al. (EP 0789464 A2). The Examiner asserts that Cameron discloses an apparatus for transmitting data comprising a plurality of mixers and a plurality of bandpass filters, citing modulators 1306-1314. Applicant submits that the modulators 1306-1314 of Cameron do not constitute nor include mixers nor bandpass filters, and that Cameron nowhere discloses these aspects of claim 1. For at least these reasons, Applicant asserts that claim 1, and all claims depending therefrom, are not anticipated by Cameron.

The Examiner rejected claims 1, 8 and 40 under 35 U.S.C. 102(b) as being anticipated by Schilling (6,243,370). The Examiner asserts that Schilling discloses an apparatus for transmitting data comprising a plurality of programmable modulators, as claimed in claim 1, citing base modulators 151 of FIG. 2A as disclosing programmable modulators. Applicant submits that the base modulators 151 of Spickerman are not programmable. The Examiner further asserts that the apparatus of Spickerman includes a plurality of mixers coupled to the output of one of the programmable modulators, as claimed in claim 1, citing the base-spread-spectrum modulators 153 of FIG. 2A. Applicant submits that the base-spread-spectrum modulators 151 are not mixers that mix the modulated signals with a mixer frequency, as is called for in claim 1, but rather modulators that modulate the converted-data signal using spread spectrum. The Examiner further asserts that the apparatus of Spickerman includes a plurality of bandpass filters, citing the base transmitters 155 of FIG. 2A. Applicant submits that the base transmitters 151 are not bandpass filters, they're transmitters. For at least the aforementioned reasons, Applicant asserts that claim 1, and all claims depending therefrom, are not anticipated by Schilling.

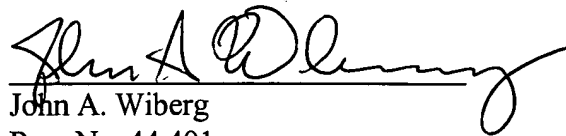
Claim 40 is a method claim that includes limitations that are similar to the limitations of apparatus claim 1. The Examiner rejected claim 40 and the claims depending therefrom on the same grounds used to reject claim 1 and the claims depending therefrom. Applicant submits that claim 40 and all claims depending therefrom are allowable for the reasons set out above with respect to claim 1.

The Commissioner is hereby authorized to charge any additional fees or credit any

overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: December 15, 2003

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John A. Wiberg", is written over a horizontal line.

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